

**MEMORANDUM REGARDING ALEXANDRIA CIRCUIT COURT
ORDERED COVID-19 TEMPORARY PROCEDURES FOR INFANT & WRONGFUL
DEATH SETTLEMENTS AND FOR DECIDING NON-EVIDENTIARY MOTIONS
WITHOUT ORAL ARGUMENT**

Effective April 14, 2020, in recognition of the COVID-19 pandemic, and in an effort to allow more access to the Court without potentially exposing counsel and litigants to health threats, and consistent with the Supreme Court of Virginia's *Order Extending Declaration of Judicial Emergency in Response to COVID-19* issued on March 16, 2020, allowing the implementation of local policies, as needed, to remain operational and to provide essential services while balancing the health and safety needs of visitors to the court and personnel, the Court has established the procedure set forth below to allow for the submission of infant settlement and wrongful death settlement agreed orders, and for the submission of non-evidentiary motions to the Circuit Court to be ruled on without oral argument or a court appearance:

A. Infant Settlements and Wrongful Death Settlements:

Upon the filing of a Petition seeking approval of either an Infant Settlement or a Wrongful Death Settlement and a proposed Order endorsed by all parties, *along with a statement signed by all parties consenting to waive court appearance*,¹ and if a Guardian ad litem (GAL) was appointed by the Court, a copy of the GAL's Report, the Court will:

1. Review the Petition, GAL Report and proposed Order.
2. Either contact the parties if there is any reason the Court is unable to enter the proposed Order or enter the proposed Order.
3. Judges' Chambers shall contact the parties to advise them that the Order approving the settlement has been entered and forwarded to the Clerk's Office for processing.

B. Non-Evidentiary Motions with Waiver of Oral Argument:

Where all parties consent to waive oral argument on non-evidentiary motions and obtain a ruling on the pleadings (such as in civil matters demurrers, motions to compel, motions for summary judgment, motions for an independent medical examinations, etc. or in criminal matters discovery motions, motions for expert funds, motions in limine, etc.), the motions may be submitted as follows:

1. The Motion and proposed Order from the moving party, the Response and proposed Order from the non-moving party and a *Waiver of Oral Argument signed by both parties* should be filed via email to the Clerk's Office or by drop off in the Clerk's Office.
2. Once Judges' Chambers is notified by the Clerk's Office of the filings, the parties will receive an email from Judges' Chambers confirming receipt of said pleadings and waiver.

¹ See Virginia Code §8.01-424 providing for approval of compromises on behalf of persons under a disability in suits or actions to which they are parties, and Virginia Code §8.01-55(i) which provides that in wrongful death actions the requirement of "convening of the parties in interest" is satisfied if each party has endorsed an agreed order.

3. The submissions by the parties, excluding the Waiver and proposed order, *may not exceed five (5) pages* per side.
4. No other motion in the case is currently pending under review pursuant to a waiver of oral argument.
5. No motion shall be decided without a Waiver of Oral Argument. Sample Waiver of Argument forms are attached hereto. If a judge determines that the motion cannot be decided without oral argument, the parties shall be notified by Judges' Chambers.
6. Once the judge has ruled on the motion, a copy of the judge's ruling shall be emailed to the parties, to which the parties may note their objections by emailing written objections to Judges' Chambers at lori.knoernschild@alexandriava.gov, which shall then be attached to the judge's Order and forwarded to the Clerk's Office within three (3) business days of receipt of the objections.